

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2872 of 2026

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Pankaj Kumar @ Pankaj Kumar Singh son of Devendra Prasad Singh,
Resident of village- Bishunpur Diha, Police Station-Singhiya, District-
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Mines and Geology, Vikash Bhawan, Govt. of Bihar, Patna.
3. The Director of Mines, Department of Mines and Geology, Govt. of Bihar, Patna.
4. The District Magistrate cum Collector, Samastipur.
5. The Assistant Director of Mines, Samastipur.
6. The District Mines Officer, Samastipur.
7. The Superintendent of Police, Samastipur.
8. The Circle Officer, Samastipur.
9. The, S.H.O., of Singhiya Police Station, Singhiya, District-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Shally Kumari, AC to SC-24
For the Mines	:	Mr. Naresh Dikshit, Spl.P.P., Mines

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-04-2026 Heard Mr. Pramod Kumar Singh, learned counsel for

the petitioner and Mr. Naresh Dikshit, Spl.P.P., Mines

Department as also Mrs. Shally Kumari, learned AC to SC-24.

2. The present petition has been preferred for the
following relief(s):

“(i) To give order/orders,

*direction/directions commanding the Respondents
to release the seized two J.C.B. of petitioner*



bearing Registration No. BR01GH6233, Chasis No. NKJ770EXCKKH02986, Engine No. 804545731-250863 and J.C.B. Registration No. BR33GB2724, Chasis No. THEWABDOJM0002315, Engine No. 12A849335514 which have illegally and arbitrary been seized in Singhiya P.S. Case No. 103 of 2025 on 18.06.2025 on the ground of illegal mining by issuing a writ in the nature of mandamus.

(ii) To stay the letter No. 1617 dated 28.11.2025 issued by the Assistant Director, District Mines office, Samastipur whereby and where under petitioner has been directed to deposit the mineral and compound fee Rs. 10,00000/- (Ten Lakhs) within one Month otherwise as per Rule of 56(4) of the Bihar Minerals (Concession, Prevention of illegal Mining Transportation & Storage) Amendment Rule, 2024 in which The J.C.B. would be auctioned sale after acquiring the seized J.C.B. by issuing a writ in the nature of Mandamus.

(iii) To stay the letter No. 1740 dated



31.12.2025 issued by the Assistant Director office of District Mines, Samastipur whereby and where under Rs. 10,00,000/- (Ten Lakhs) has been imposed to the vehicle owner namely Pankaj Kumar (Petitioner) under rule 56(4) and 56(7) of the Bihar Minerals (Concession, Prevention of illegal Mining Transportation & Storage) Amendment Rule, 2024 in which the J.C.B. of petitioner bearing BR01GH6233 was requested to acquire and submitted the recommendation for auction sale by issuing a writ in the nature of mandamus.

(iv) To any other writ order of direction to which petitioner is entitled to get his reliefs in facts and circumstances of the case.”

3. The Circle Officer, Singhiya, Samastipur vide memo no. 494 dated 18.06.2025, requested the S.H.O. Singhiya Police Station to lodge FIR against the illegal miners recording that on secret information, they reached at Vishnupur Keotahar and found JCBs being used for illegal mining. Accordingly, seizure made and Singhiya P.S. Case No. 103 of 2025 lodged on 18.06.2025.



4. Aggrieved by the seizure, the present petition.

5. A counter-affidavit has come on behalf of the respondent nos. 4 to 6 and learned Spl.P.P. Mines Department has taken this Court to memo no. 1617 dated 28.11.2025 to show that the Assistant Director, District Mineral Office, Samastipur has already issued notice and it would be appropriate for the petitioner to appear and submit show cause so that the matter is taken to its logical conclusion.

6. Learned counsel for the petitioner submits that he has number of documents to support his case that it was not an illegal mining.

7. In the opinion of the Court, once the notice has been issued, learned Spl.P.P., Mines Department submits that once a show cause is provided, it will be taken note of and a final order will be passed, in that background, it would be appropriate that the petitioner avails the said remedy.

8. In that background, the writ petition stands disposed of allowing the petitioner to answer to the notice dated 28.11.2025 issued by the Assistant Director, District Mineral Office, Samastipur.

9. Any further development which may have taken in between, the petitioner is required to answer to those notices



also and it is expected from the respondents that the matter shall be taken to its logical conclusion which also includes considering the release of the vehicle, pending the proceeding, on submission/undertaking of appropriate guarantee/amount.

10. The writ petition stands disposed of with aforesaid observation.

11. It is expected that the entire process shall be completed within a period of three months from the date the petitioner appears before the concerned respondent alongwith the copy of the order.

(Rajiv Roy, J)

Adnan/-

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